

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ANNE E. BALL, MOTHER AND NEXT FRIEND OF JAMES BALL	§ § § § § §	PLAINTIFF
V.		1:05CV280LG-RHW
TODD FARRAR		DEFENDANT

ORDER DISMISSING PLAINTIFF'S COMPLAINT

BEFORE THIS COURT is the Defendant's Motion to Dismiss [16], filed in the above-captioned cause on December 15, 2005. According to the Defendant, the Plaintiff's complaint should be dismissed for failure to prosecute. The Plaintiff has not filed a response to the motion. On January 18, 2006, U. S. Magistrate Judge Robert H. Walker entered an Order to Show Cause for the Plaintiff to show cause for her failure to comply with the Court's October 13, 2005, order; for failure to appear and participate in the telephone case management conference on November 15, 2005; for failure to respond to Defendant's motion to dismiss; and for failure to appear and participate in the rescheduling of the telephone case management conference on January 18, 2006. The Plaintiff has likewise failed to file a response to the show cause order. Because the Plaintiff has failed to respond to the motion and show cause order and has otherwise failed to comply with this Court's orders, the undersigned finds that the Defendant's motion should be granted as unopposed, and the Plaintiff's Complaint should be dismissed for failure to prosecute pursuant to FED. R. CIV. P. 41(b).

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant's Motion to Dismiss [16] should be and is hereby **GRANTED**. This cause is hereby **DISMISSED without prejudice**.

SO ORDERED AND ADJUDGED this the 6th day of March, 2006.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE